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SAWYER LAW GROUP LLP
2465 EAST BAYSHORE ROAD, SUITE 406
PALO ALTO, CA 94303

BETIT, JACOB F

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/037,659
Filing Date: January 02, 2002
Appellant(s): COUCH ET AL.

MAILED

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Technology Center 2100

Erin C. Ming
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6 April 2006 appealing from the Office action

mailed 18 May 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Application No. 09/731,088 is cited in the specification on page 4 line 15-22 as being incorporated by reference. The examiner's rejection was appealed to the Board of Patent Appeals and Interferences (Appeal No. 2005-1783) and a decision was mailed on 12 August 2005.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0046248 A1	Drexter	4-2002
5,870,761	Demers et al.	2-1999
6,704,742 B1	Huth et al.	3-2004
6,658,426 B1	Poskanzer	12-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-5, 10-12, 14-17, 22-24, 26-31, 36-38, 40-43, 48-50, 52-58, 64-65, and 67-90 are rejected under 35 U.S.C. 102(e) as being anticipated by <u>Drexter</u> (U.S. patent application publication No. 2002/0046248 A1).

As to claim 1, <u>Drexter</u> teaches a method for converting messaging data into a relational table format in a database system, wherein the messaging data is within a messaging system (see page 1, paragraph 0002), the method comprising the steps of:

(a) providing a plurality of table formatting specifications; (see page 2, paragraph 0029);

(b) utilizing the plurality of table formatting specifications to automatically build and store a table function in the database system (see page 3, paragraph 0034, where it is inherent that the associations (functions) are stored if they are going to be retrieved or recalled);

(c) invoking the table function to access the messaging data (see pages 2-3, paragraphs 0030-0033); and

(d) converting the messaging data by the table function into specific data types according to the plurality of table formatting specifications, wherein the messaging data is transformed into the relational table format (see page 3, paragraph 0033).

As to claim 27, Drexter teaches a computer readable medium containing programming instructions for converting messaging data into a relational table format in a database system, wherein the messaging data is within a messaging system (see page 2, paragraph 0024), comprising the programming instructions for:

(a) providing a plurality of table formatting specifications (see page 2, paragraph 0029);

(b) utilizing the plurality of table formatting specifications to automatically build and store a table function in the database system (see page 3, paragraph 0034, where it is inherent that the associations (functions) are stored if they are going to be retrieved or recalled);

(c) invoking the table function from within the database system to access the messaging data (see pages 2-3, paragraphs 0030-0033); and

(d) converting the messaging data by the table function into specific data types according to the plurality of table formatting specifications, wherein the messaging data is transformed into the relational table format (see page 3, paragraph 0033).

As to claims 2 and 28, <u>Drexter</u> teaches wherein the table function invokes at least one messaging function within the database system (see page 4, paragraph 0042).

As to claims 3 and 29, <u>Drexter</u> teaches wherein the table function and the at least one messaging function are user-defined functions within the database system (see page 3, paragraph 0034).

As to claims 4 and 30, <u>Drexter</u> teaches wherein the at least one messaging function retrieves and reads messaging data in the message system (see page 4, paragraph 0042).

As to claims 5 and 31, <u>Drexter</u> teaches wherein the providing step (a) further includes the step of:

(a1) reading the plurality of table formatting specifications from a file (see page 4, paragraph 0041).

As to claims 10 and 36, <u>Drexter</u> teaches wherein the providing step (a) further includes the step of:

(a1) providing formatting information about the messaging data (see pages 2-3, paragraphs 0030-0033).

As to claims 11 and 37, <u>Drexter</u> teaches wherein the providing step (a1) further includes the steps of:

(a1i) designating a delimiter character, wherein the delimiter character separates the messaging data into column data (see pages 2-3, paragraphs 0030-0031).

As to claims 12 and 38, <u>Drexter</u> teaches wherein the converting step (d) further comprising:

(d1) invoking a parser function within the database system for parsing the delimited messaging data (see pages 2-3, paragraphs 0030-0031).

As to claims 14 and 40, <u>Drexter</u> teaches wherein the providing step (a1) further includes the step of:

(a1i) specifying a fixed-length format by indicating a position (see page 3, paragraph 0036) and length of each column (see pages 2-3, paragraph 0030).

As to claims 15 and 41, <u>Drexter</u> teaches wherein the providing step (a) further includes the step of:

(a2) allowing a user to view the messaging data in the messaging system to verify the formatting information provided (see page 6, paragraph 0064).

As to claims 16 and 42, <u>Drexter</u> teaches wherein the messaging data comprises a message string, the message string including a plurality of substrings, wherein each substring represents data that is returned as a column in a table (see page 3, paragraph 0037, where "column" is read on "field").

As to claims 17 and 43, <u>Drexter</u> teaches wherein the providing step (a) further includes the step of:

(a1) defining a column for each substring of the plurality of substrings in the message string (see page 3, paragraph 0036).

As to claims 22 and 48, <u>Drexter</u> teaches wherein the providing step (a) further includes the step of:

(a1) allowing a user to create and name a table view based on the table formatting specifications (see page 3, paragraphs 0034-0037).

As to claims 23 and 49, <u>Drexter</u> teaches wherein the invoking step (c) further includes the step of:

(c1) selecting messaging data from the table view (see page 3, paragraph 0036).

As to claims 24 and 50, <u>Drexter</u> teaches wherein the providing step (a) further includes the step of:

(a1) allowing a user to review a summary of the table formatting specifications before building the table function (see page 3, paragraph 0035-0036).

As to claims 26 and 52, <u>Drexter</u> teaches further including populating directly a relational table in the database system with the returned messaging data (see figure 1).

As to claim 53, <u>Drexter</u> teaches a system for converting messaging data into a relational table format in a database system, wherein the messaging data is within a messaging system (see page 1, paragraph 0002), the system comprising:

a processor (see page 2, paragraph 0023);

a table function building application executable by the processor for receiving a plurality of table formatting specifications (see page 2, paragraph 0029) and for utilizing the plurality of table formatting specifications to automatically build and store a table function in the database system (see page 3, paragraph 0034, where it is inherent that the associations (functions) are stored if they are going to be retrieved or recalled); and

means for invoking the table function from within the database system to access the messaging data (see pages 2-3, paragraphs 0030-0033);

wherein, once invoked, the table function converts the messaging data into specific data types according to the plurality of table formatting specifications and transforms the messaging data into the relational table format (see page 3, paragraph 0033).

As to claim 54, <u>Drexter</u> teaches wherein the table function invokes at least one messaging function within the database system (see page 3, paragraph 0038).

As to claim 55, <u>Drexter</u> teaches wherein the table function and the at least one messaging function are user-defined functions within the database system (see page 3, paragraph 0034).

As to claim 56, <u>Drexter</u> teaches wherein the at least one messaging function retrieves and reads messaging data in the message system (see page 3, paragraph 0038).

As to claim 57, <u>Drexter</u> teaches wherein the table function building application includes a means for collecting the table formatting specifications from a user (see page 3, paragraphs 0035-0037).

As to claim 58, <u>Drexter</u> teaches wherein the table function building application includes means for downloading the table formatting specifications from a file (see page 3, paragraph 0034).

As to claim 64, <u>Drexter</u> teaches wherein the table function building application builds the table function based on the plurality of table formatting specifications collected through the graphical user interface (see page 3, paragraphs 0035-0037).

As to claim 65, <u>Drexter</u> teaches wherein the invoking means includes means for selecting messaging data from the table view (see page 3, paragraph 0036).

As to claim 67, <u>Drexter</u> teaches a system for generating a customized invocation mechanism (see page 1, paragraph 0002), comprising:

an interface for receiving customizations (see page 3, paragraph 0034-0037); and

a software module coupled to the interface for building an invocation mechanism based on the customization specifications and storing the invocation mechanism in a database (see page 3, paragraph 0034, where it is inherent that the associations (functions) are stored if they are going to be retrieved or recalled), wherein the invocation mechanism is invokable by the database for accessing data external to the database (see page 3, paragraphs 0036-0037).

As to claim 75, <u>Drexter</u> teaches a method for generating a customized invocation mechanism (see page 1, paragraph 0002), comprising the steps of:

receiving customization specifications (see page 3, paragraphs 0034-0037); and

building an invocation mechanism based on the customization specifications and storing the invocation mechanism in a database (see page 3, paragraph 0034, where it is inherent that the associations (functions) are stored if they are going to be retrieved or recalled), wherein the invocation mechanism is invokable by the database for accessing data external to the database (see page 3, paragraphs 0036-0037).

As to claim 83, <u>Drexter</u> teaches a program product containing instructions executable by a computer, the instructions embodying a method for generating a customized invocation mechanism (see page 2, paragraph 0024), comprising the steps of:

receiving customization specifications (see page 3, paragraphs 0034-0037); and

building an invocation mechanism based on the customization specifications and storing the invocation mechanism in a database (see page 3, paragraph 0034, where it is inherent that the associations (functions) are stored if they are going to be retrieved or recalled), wherein the invocation mechanism is invokable by the database for accessing data external to the database (see page 3, paragraphs 0036-0037).

As to claim 68, 76, and 84, <u>Drexter</u> teaches wherein the invocation mechanism is dynamically generated (see page 3, paragraphs 0034-0037)

As to claim 69, 77, and 85, <u>Drexter</u> teaches wherein the invocation mechanism further comprises at least one of the group consisting of: a UDF, a table function, a virtual table, a stored procedure, a trigger, a query statement, and a federated table, and an equivalent of any of the foregoing (see page 3, paragraphs 0034-0037).

As to claim 70, 78, and 86, <u>Drexter</u> teaches further comprising means for invoking the invocation mechanism from a database (see pages 6-7, paragraphs 0070-0072).

As to claim 71, 79, and 87, <u>Drexter</u> teaches further comprising means for converting data accessed by the invocation mechanism into a format understood by the database (see page 5, paragraphs 0055-0057).

As to claim 72, 80, and 88, <u>Drexter</u> teaches wherein the interface further comprising a graphical user interface for receiving function customization specifications (see page 7, paragraphs 0074-0077).

As to claim 73, 81, and 89, <u>Drexter</u> teaches wherein the customization specifications further comprise specification of a relational format for nonrelational data accessed by the customized function (see page 3, paragraphs 0034-0037).

As to claim 74, 82, and 90, <u>Drexter</u> teaches wherein the interface further comprises means for previewing nonrelational data in relational format based on customization specifications (see page 3, paragraph 0034-0037).

Claims 6-9, 32-35, and 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Drexter</u> (U.S. patent application publication No. 2002/0046248 A1) in view of <u>Demers et al.</u> (U.S. patent No. 5,870,761).

As to claims 6 and 32, <u>Drexter</u> teaches wherein the providing step (a) further includes the steps of:

(a1) selecting a name for the table function (see page 3, paragraph 0034);

(a2) specifying where the table function is to be stored (see page 3, paragraph 0034 and see page 4, paragraph 0041).

(a3) indicating where the messaging data resides (see page 3, paragraph 0038).

Drexter does not teach selecting a type for the table function, wherein the type includes one of a retrieve function and a read function.

Demers et al. teaches duplicating at a destination site changes made to data at a source site (see abstract), in which he teaches selecting a type for the table function, wherein the type includes one of a retrieve function and a read function (see column 5, lines 4-12).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Drexter to include selecting a type for the table function, wherein the type includes one of a retrieve function and a read function.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Drexter by the teachings of Demers et al. because selecting a type for the table function, wherein the type includes one of a retrieve function and a read function would allow other destination sites to dequeue the record (see Demers et al., column 5, lines 4-12).

As to claims 7 and 33, Drexter as modified, teaches wherein the specifying step (a2) further includes the steps of:

(a2i) providing a database name and access information; and (a2ii) allowing the user to validate the access information (see Drexter, page 4, paragraph 0039).

As to claims 8 and 34, Drexter as modified, teaches wherein the indicating step (a3) further includes the step of:

(a3i) providing a service point name for the messaging data (see <u>Drexter</u>, page 3, paragraph 0038).

As to claims 9 and 35, <u>Drexter</u> as modified, teaches wherein the indicating step (a3) further includes the step of:

(a3i) providing a system default endpoint for the messaging data (see <u>Drexter</u>, page 3, paragraph 0037).

As to claim 59, <u>Drexter</u> teaches wherein the collecting means comprises a graphical user interface, wherein the graphical user interface prompts a user to select a name to specify where the table function is to be stored, and to indicate where the messaging data resides (see page 3, paragraph 0034).

<u>Drexter</u> does not teach to select a type for the table function, wherein the type includes one of a retrieve function and a read function.

<u>Demers et al.</u> teaches to select a type for the table function, wherein the type includes one of a retrieve function and a read function (see column 5, lines 4-12).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Drexter</u> to include to select a type for the table function, wherein the type includes one of a retrieve function and a read function.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Drexter</u> by the teachings of <u>Demers et al.</u> because to select a type for the table function, wherein the type includes one of a retrieve

function and a read function would allow other destination sites to dequeue the record

(see <u>Demers et al.</u>, column 5, lines 4-12).

As to claim 60, <u>Drexter</u> as modified, teaches wherein the graphical user interface further prompts the user to provide formatting information about the messaging data (see <u>Drexter</u>, page 3, paragraphs 0035-0036).

As to claim 61, <u>Drexter</u> as modified, teaches wherein the messaging data comprises a message string, the message string including a plurality of substrings, wherein each substring represents data that is returned as a column in a table (see <u>Drexter</u>, page 3, paragraph 0036).

As to claim 62, <u>Drexter</u> as modified, teaches wherein the graphical user interface further allows the user to define a column for each substring of the plurality of substrings in the message string (see <u>Drexter</u>, page 3, paragraph 0035-0037).

As to claim 63, <u>Drexter</u> as modified, teaches wherein the table function building application builds the table function based on the plurality of table formatting specifications collected through the graphical user interface (see <u>Drexter</u>, page 3, paragraph 0035-0037).

Claims 13 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drexter (U.S. patent application publication No. 2002/0046248 A1) in view of Huth et al. (U.S. patent No. 6,704,742 B1).

As to claims 13 and 39, Drexter teaches wherein the invoking step (d1) further includes:

(d1i) checking for the parser function within the database system (see figure 2, reference number 42); and

(d1iii) registering the parser function to the database system after it is built (see page 3, paragraph 0036).

Drexter does not teach

(d1ii) building the parser function if it does not exist within the database system.

Huth et al. teaches accessing database data so that massive amounts of data can be manipulated in many different ways to generate reports of many different types in a rapid manner (see abstract), in which he teaches building the parser function if it does not exist within the database system (see column 9, lines 30-58).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Drexter to include building the parser function if it does not exist within the database system.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Drexter by the teachings of Huth et al. because building the parser function if it does not exist within the database system would allow

the manipulation of data in a way that was not previously defined (see <u>Huth et al.</u>, abstract).

Claims 18-21, 25, 44-47, 51, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Drexter</u> (U.S. patent application publication No. 2002/0046248 A1) in view of <u>Poskanzer</u> (U.S. patent No. 6,658,426 B1).

As to claims 18 and 44, <u>Drexter</u> teaches wherein the defining step (a1) further includes the steps of:

(a1i) naming each column (see page 5, paragraph 0056)

<u>Drexter</u> does not teach (a1ii) designating a data type for each column.

<u>Poskanzer</u> teaches designating a data type for each column (see column 3, lines 39-43).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Drexter</u> to include designating a data type for each column.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Drexter</u> by the teachings of <u>Poskanzer</u> because designating a data type for each column would determine how the SQL statement must be structured to access data relating to that field (see <u>Poskanzer</u>, column 3, lines 39-43).

As to claims 19 and 45, <u>Drexter</u> as modified, teaches wherein the defining step (a1) further includes the step of:

(a1iii) allowing the user to view the messaging data formatted according to the column definitions provided (see Drexter, page 3, paragraph 0035).

As to claims 20 and 46, Drexter as modified, teaches wherein the providing step (a) further includes the step of:

(a2) building the table function based on the table formatting specifications collected from the user (see Drexter, page 3, paragraph 0035-0037).

As to claims 21 and 47, Drexter as modified, teaches wherein the converting step (c) further includes:

(d1) parsing the message string into the plurality of substrings (see Drexter, page 5, paragraph 0056).

(d2) converting each substring into the designated data type corresponding to its column (see Poskanzer, column 3, line 54 through column 4, line 4).

As to claims 25 and 51, Drexter does not teach wherein the invoking step (c) further includes the step of:

(c1) integrating the table function within a structured query language statement.

Poskanzer teaches wherein the invoking step (c) further includes the step of: integrating the table function within a structured query language statement (see column 3, lines 26-43).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Drexter to include wherein the

invoking step (c) further includes the step of: integrating the table function within a structured query language statement.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Drexter by the teachings of Poskanzer because wherein the invoking step (c) further includes the step of: integrating the table function within a structured query language statement would allow it to input data into an SQL database (see Poskanzer, column 3, lines 29-34, and see lines 15-17).

As to claim 66, Drexter does not teach wherein the invoking means includes means for integrating the table function within a structured query language statement.

Poskanzer teaches wherein the invoking means includes means for integrating the table function within a structured query language statement (see column 3, lines 26-43).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Drexter to include wherein the invoking means includes means for integrating the table function within a structured query language statement.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Drexter by the teachings of Poskanzer because wherein the invoking means includes means for integrating the table function within a structured query language statement would allow it to input data into an SQL database (see Poskanzer, column 3, lines 29-34, and see lines 15-17).

(10) Response to Argument

A - Summary of Applied Rejections

Part A of Appellant's arguments states the grounds of the rejection given by the examiner and reiterates the rejection applied by the examiner to claims 1 and 67. Part A also reiterates some of a response given by the examiner in the final action. No specific arguments from Appellant are given in this section.

B - The Cited Prior Art

Part B of Appellant's arguments gives a short summary of sections of the applied references that Appellant feels are relevant. No specific arguments from Appellant are given in this section.

C - Claims 1-5, 10-12, 14-17, 22-24, 26-31, 36-38, 40-43, 48-50, 52-58, 64-65, and 67-90

In response to Appellant's arguments that "Drexler does not teach or suggest storing 'a table function in the database system,' ... or 'storing the invocation mechanism in a database'", the arguments have been fully considered but are not deemed persuasive. Appellant's arguments seem to be directed towards what a reasonable interpretation for a database system is. Appellant states "database or database system (the terms are interchangeable)." A database system is the entire system used in the storage and organization of data. Strictly speaking a database is an organized body of information (see http://wordnet.princeton.edu/perl/webwn?s=database). Appellant uses two definitions of database in his brief. It is noted that "wikipedia.com" a source of one of the definitions is a site that can be edited by those that use the site. Because the users of

the site can change the definitions given, the definitions are not necessarily accurate and adapt over time. It is also noted that wikipedia.com has broader definitions for the term database, including,

> A **database** is an organized collection of data. The term originated within the computer industry, but its meaning has been broadened by popular use, to the extent that the European Database Directive (which creates intellectual property rights for databases) includes non-electronic databases within its definition. This article is confined to a more technical use of the term; though even amongst computing professionals, some attach a much wider meaning to the word than others.

This was the first paragraph in the definition given on wikipedia.com on the day of the submission of Appellant's latest brief.

Further, it is put forth that a "database system" and a "database management system" (DBMS) do not have the same meaning. While DBMS is most often used to describe the software (application) side of a database/database system, a database/database system is used to describe the whole of the system including the data being stored, the instructions that are used to perform operations on the data, the hardware used to store the data, the hardware used to store the functions that operate on the data, and the hardware used in invoking these functions. All these components work together to create a system that can store data in an organized fashion.

Appellant argues that it is "not reasonable" for the definition of a database system to include the hardware that runs the database management system software and holds the database data. This then raises the question would the statement "the hard drive in my database has malfunctioned" or the statement "I upgraded the processor in my database system" be unreasonable statements?

Also, the "Email to Database Import Program" of Drexler (figure 1, reference number 40) is the program used to interact with the data that is stored in the tables of Drexler's database. So the "Email to Database Import Program" is the DBMS software that Appellant believes is required by the claim, and hence fits as part of the database even given Appellant's definition of a database. Since the associations used by the program in Drexler reference can be found "in memory files such as those on a floppy diskette, on the computers hard drive, or a network hard drive" (see Drexler paragraph 0041), these associations being part of the import program are part of the database and are stored in the database.

Appellant states, "Accordingly, a separate application module is not required to use the table function and invocation mechanism." However, a DBMS (the software that is used to manage a database) is a collection of programs that enables you to store, modify, and extract information from a database (see http://www.webopedia.com/TERM/D/database_management_system_DBMS.html). Since a DBMS is more than one program and used in managing the data in a database, it is not clear why Appellant excludes the "Email to Database Import Program" from the DBMS. The import program extracts data and then puts it into a database (see Drexler, abstract). It is not clear what else a program must do to become a database management program.

Appellant states "[other] files, information and data stored in the file system of the computer system, outside of the database/database system, are managed by the operation system or some other application(s) in the computer system, and not by the database/database system." However the program and associations of Drexler are not

"other files" with some purpose other than the organized storage of data in a database table. They do not have any non-database related function so they are directly related to the database and are used in the management of it.

Appellant also argues, "In the present invention, the table function can be invoked from within the database/database system via an SQL statement." However none of the claims rejected under 35 U.S.C. 102(e) make any mention of SQL, and in paragraph 0027 Drexler discusses using SQL databases.

In response to Appellant's arguments that "nothing teaches or suggests that the association transforms the messaging data 'into the relational table format'", the arguments have been fully considered but are not deemed persuasive. Paragraphs 0062-0064 disclose the parsing of an email message and putting the email message data into the table 680. This table is a relational table because it is organized in rows and columns. Further, paragraph 0027 discloses the different databases that can be used in conjunction with Drexler. Microsoft Access and SQL server 2000 both use relational tables because they are relational databases.

D - Dependent claims 2, 28, and 54

In response to Appellant's arguments that "Drexler fails to teach or suggest a table function that 'invokes at least one messaging function from within the database system'", the arguments have been fully considered but are not deemed persuasive. Appellant's argument appears to be related to an earlier argument that the program disclosed in Drexler is not part of the database system. Paragraph 0042 does clearly

disclose a messaging function that retrieves the data from the email. Since this function is a part of the Email to Database Import Program, if the program is found to be part of the database, this limitation is fully disclosed by Drexler.

E - Dependent claims 3, 29, and 55

In response to Appellant arguments that "Drexler fails to teach or suggest that the table function and the messaging function 'are user-defined functions within the database system'", the arguments have been fully considered but are not deemed persuasive. Paragraph 0034 discloses the user defining the associations that are used when importing data into the database from an email message. The association that is created is a function that is later used by the program to retrieve data from an email at a later time. Appellant states "there is not teaching or suggest in paragraph 0034 that the messaging function ... is also a UDF within the database system". Although the messaging function is not directly disclosed as being a UDF in paragraph 0034, it is disclosed in paragraph 0042 where the user can "enable automated data import by the association, and another input location may include the time period between new email checks" i.e., the user can define if and when the email importation is automatically done.

F. - Dependent claims 6-9, 32-35, and 59-63

No new arguments directed towards claims 6-9, 32-35, and 59-63 are given by Appellant.

G - Dependent claims 13 and 39

No new arguments directed towards claims 13 and 39 are given by Appellant.

H - Dependent claims 18-21, 25, 44-47, 51, and 66

No new arguments directed towards claims 18-21, 44-47, 51, and 66 are given by

Appellant.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and

Interferences section of this examiner's answer are provided herein.

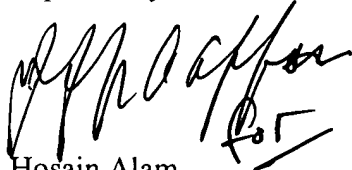For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jacob F. Betit
Patent Examiner

Conferees:

Charles Rones
Supervisory Patent Examiner

Hosain Alam
Supervisory Patent Examiner

Sam Rimell
Primary Examiner

An appeals conference was held on 21 June 2006, and it was agreed to proceed to the Board of Appeals.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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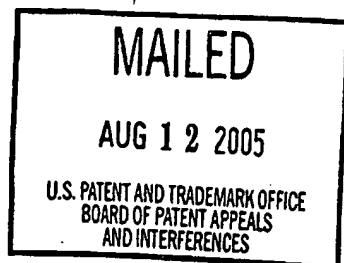
<u>Ex parte</u> CHARLES D. WOLFSON

_____

Appeal No. 2005-1783
Application No. 09/731,088

_____

ON BRIEF

_____

Before DIXON, BLANKENSHIP, and NAPPI, <u>Administrative Patent Judges</u>.

BLANKENSHIP, <u>Administrative Patent Judge</u>.

<u>DECISION ON APPEAL</u>

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-18, which are all the claims in the application.

We affirm.

<u>BACKGROUND</u>

The invention relates to asynchronous messaging and queuing, in particular

integrating messaging functionality into database operations. Representative claim 1 is

reproduced below.

> 1. A method for integrating messaging functionality into database
> operations, the method comprising:
>
> (a) providing one or more chosen functions from a messaging system in a
> database system; and
>
> (b) utilizing the one or more chosen functions from the database system
> within structured query language statements to access the messaging system
> from the database system.

The examiner relies on the following reference:

Chandra et al. (Chandra)   6,058,389   May 2, 2000
(filed Oct. 31, 1997)

Claims 1-18 stand rejected under 35 U.S.C. § 102 as being anticipated by

Chandra.

We refer to the Final Rejection (mailed Feb. 17, 2004) and the Examiner's

Answer (mailed Oct. 29, 2004) for a statement of the examiner's position and to the

Brief (filed Aug. 17, 2004) and the Reply Brief (filed Jan. 3, 2005) for appellant's

position with respect to the claims which stand rejected.

OPINION

Appellant states that the claims form one group (Brief at 5). Consistent with the rules in effect at the time of filing of the Brief, we select claim 1 as the representative claim. See 37 CFR § 1.192(c)(7) (2004). See also In re McDaniel, 293 F.3d 1379, 1383, 63 USPQ2d 1462, 1465 (Fed. Cir. 2002) ("If the brief fails to meet either requirement [of 37 CFR § 1.192(c)(7)], the Board is free to select a single claim from each group of claims subject to a common ground of rejection as representative of all claims in that group and to decide the appeal of that rejection based solely on the selected representative claim.").

The examiner finds claim 1 to be anticipated by Chandra (Answer at 3), contending that the described ENQUEUE and DEQUEUE operations are "chosen functions from a messaging system" as claimed. Appellant's position argued in the briefs does not persuade us that the finding is in error.

We consider appellant's arguments, at least to the extent they are commensurate with the scope of claim 1, to be sufficiently addressed in the Answer. The basic disagreement is founded on appellant's premise that the claim requires a messaging system that is separate from the database system, contrary to the examiner's observation (Answer at 8) that a separate messaging system is not a requirement.

Claims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550 (CCPA 1969). Moreover, for a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. However, this is not an "ipsissimis verbis" test. In re Bond, 910 F.2d 831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990).

Claim 1 purports a method for integrating messaging functionality into database operations. One or more chosen functions are provided "from a messaging system in a database system." The functions are utilized from the database system within SQL statements to access the messaging system from the database system. We find nothing in the claim that requires a messaging system separate from a database system or, conversely, anything that may preclude the messaging system from being contained within the database system. The language is consistent with using the database system to access a system within itself; i.e., the messaging system.

We therefore sustain the rejection of claims 1-18 under 35 U.S.C. § 102 as being anticipated by Chandra.

CONCLUSION

The rejection of claims 1-18 under 35 U.S.C. § 102 is affirmed.

No time period for taking any subsequent action in connection with this appeal

may be extended under 37 CFR § 1.136(a). See 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

JOSEPH L. DIXON)
Administrative Patent Judge)
)
)
)
)
) BOARD OF PATENT
HOWARD B. BLANKENSHIP   )   APPEALS
Administrative Patent Judge   )   AND
) INTERFERENCES
)
)
)
)
ROBERT E. NAPPI   )
Administrative Patent Judge   )

Appeal No. 2005-1783
Application No. 09/731,088

Joseph A. Sawyer, Jr.
Sawyer Law Group LLP
P.O. Box 51418
Palo Alto, CA 94303

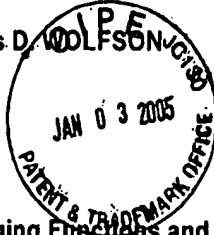| TRANSMITTAL FORM	Attorney Docket No. STL920000066US1 1804P

In re the application Charles. D. WOLFSON

Serial No: 09/731,088

Filed: December 5, 2000

For: Integration of Messaging Functions and Database Operations

Confirmation No: 9367

Group Art Unit: 2165

Examiner: Rimell, Samuel G.

ENCLOSURES *(check all that apply)*		
☐ Amendment/Reply	☐ Assignment and Recordation Cover Sheet	☐ After Allowance Communication to Group
☐ After Final	☐ Part B-Issue Fee Transmittal	☐ Notice of Appeal
☐ Information disclosure statement	☐ Letter to Draftsman	■ Reply Brief *(in triplicate)*
☐ Form 1449	☐ Drawings	☐ Status Letter
☐ (X) Copies of References	☐ Petition	■ Postcard
☐ Extension of Time Request *	☐ Fee Address Indication Form	☐ Other Enclosure(s) *(please identify below):*
☐ Express Abandonment	☐ Terminal Disclaimer	
☐ Certified Copy of Priority Doc	☐ Power of Attorney and Revocation of Prior Powers	
☐ Response to Incomplete Appln	☐ Change of Correspondence Address	
☐ Response to Missing Parts	*Extension of Term: Pursuant to 37 CFR 1.136, Applicant petitions the Commissioner to extend the time for response for xxxxxx month(s), from to .	
☐ Executed Declaration by Inventor(s)		

CLAIMS					
FOR	Claims Remaining After Amendment	Highest # of Claims Previously Paid For	Extra Claims	RATE	FEE
Total Claims	0	0	0	$ 50.00	$ 0.00
Independent Claims	0	0	0	$200.00	$ 0.00
				Total Fees	$ 0.00

METHOD OF PAYMENT

☐ Check no. _____ in the amount of $ _____ is enclosed for payment of fees.

☐ Charge $ _____ to Deposit Account No. _____ (Account Holder Name) for payment of fees.

■ Charge any fees or credit any overpayment to Deposit Account No. 09-0460 (IBM Corporation)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Attorney Name	Stephen G. Sullivan, Reg. No. 38,329
Signature	
Date	December 29, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 29, 2004

Type or printed name	Irena Nikolova
Signature	Irena Nikolova

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Date: December 29, 2004

Charles D. WOLFSON   Confirmation No. 9367

Serial No: 09/731,088   Group Art Unit: 2165

Filed: December 5, 2000   Examiner: Rimell, S.

For: INTEGRATION OF MESSAGING FUNCTIONS AND DATABASE OPERATIONS

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

In response to the Examiner's Answer dated 10/29/04, Appellant presents the following reply.

The Examiner's response to Appellant's arguments maintains that the cited art of the Chandra et al reference ("Chandra") teaches a messaging system (324 in FIG. 3) and distinct database system (FIG. 3) which gains access to the messaging system. Appellant respectfully disagrees.

As described by Chandra with reference to FIG. 3 in col. 6, lines 14-28:

A database application 300 comprises first and second client application programs 301, 302 coupled to a relational database system 304. The relational database system 304 comprises a database server 310 stored in a volatile memory 306 of a

> processor, such as main memory 104 of computer system 100. The database server 310 communicates with data files 322, 324 either directly or through a database cache 312 interposed between a data file (such as file 324) and the database server 310. The data files are stored in a nonvolatile memory 308, such as data storage device 107 of the computer system 100; each of the data files comprises a plurality of data blocks. For example, the data file 322 comprises data blocks 322a, 322b, which contain data of interest to the application programs 301, 302.

Chandra clearly demonstrates that the element 324 cited by the Examiner is a data file in a relational database system that comprises a plurality of data blocks, which can store queue tables comprising queues and messages of queues (col. 6, lines 45-47). Appellant respectfully submits that there is nothing to teach or suggest that the storage of data blocks including queue tables of queues and messages of queues in data file 324 of the relational database system 304 is a messaging system itself, as argued by the Examiner.

Further, Appellant respectfully submits that a data file has the function of storing data, as taught in the section of Chandra quoted hereinabove ("**The data files are stored in a nonvolatile memory 308**") and does not <u>provide</u> functions at all. Thus, Appellant respectfully submits that there is nothing to teach or suggest the recited provision of one or more chosen functions from a messaging system in a database system by the teaching of a data file storing queues in cited element 324.

Without teaching or suggesting the provision of one or more chosen functions from a messaging system in a database system, there can be nothing to teach or suggest the recited utilization of the one or more chosen functions, including utilization within structured query language statements to access the messaging system from the database system. The Examiner asserts that the functions of ENQUEUE and DEQUEUE of Chandra are the functionalities that correspond to the recited one or more chosen functions, and are considered to be "from the messaging system" by reason that they are functions used in the messaging system. Appellant

respectfully disagrees and submits that these are not functions used in the messaging system.

Rather, they are functions of the database system that are used in the database system to access

the queue tables of the data files of the database system. See Table 3 (columns 23-24), which "is

an example of SQL statements that may be used to command an embodiment of the invention to

enqueue and then dequeue a single message," and which shows ENQUEUE and DEQUEUE as

distinct commands in the SQL language as implemented in a database system. That these

commands result in action on a queue table that contains messages in the database system does

not provide any teaching or suggestion that they should or could be considered to be "from the

messaging system", as asserted by the Examiner, since they are commands of the database system

itself to manage the data file that contains a message queue.

In addition, the Examiner states "examiner believes that the <u>intended meaning</u> of the

claim language 'from a messaging system', based on applicant's specification is exactly met by

the functionalities of ENQUEUE and DEQUEUE taught by Chandra et al. In appellant's

specification, <u>the chosen functionalities are functions used in a messaging system</u>. These are

exactly the functionality implied by the terms ENQUEUE and DEQUEUE" (page 5). Appellant

respectfully disagrees with the Examiner and points out that Appellant's specification is clear in

the description of FIG. 1 that messaging software/a message queue manager (e.g., MQSeries) is

running on a computer system for managing a message queue. As further disclosed by

Appellant's specification, during messaging operations, whenever a new message destined for

computer system 1c is received over network 2 from one of the other computer systems (e.g., 1a

or 1b) the message is stored in the message queue 11. The data associated with the message is

stored in long term storage 14. When the processor 13 requests that a particular message be

dequeued, that message's associated data is retrieved from storage 14 and provided to processor

13. This occurs without any teaching or suggestion of a need to utilize commands of the database system. Rather, as further described in the specification, the integration of messaging software functionality into database programming with the present invention is achieved through a straightforward approach that utilizes the mechanisms provided by SQL to allow a database query to be formed that incorporates messaging operations within a SQL statement. In this manner, the SQL statement appears in itself as an application to the messaging software.

Thus, while the Examiner has interpreted the intended meaning of claim 1 based on the specification, Appellant respectfully submits that this interpretation has failed to fully consider the actual disclosure of the specification, which demonstrates that there is a messaging system (e.g., MQSeries) with its own functionality and a database system with its own functionality, and through the integration of functions of the messaging system in the database system, access to the messaging system from the database system can occur, such that the SQL statement of the database system appears in itself as an application to the messaging software. Appellant respectfully submits that claims are clearly recited in the present invention and require no further interpretation of intended meaning. Thus, Appellant respectfully reiterates that the use of SQL commands to access a data file in a database system as disclosed by Chandra offers no teaching or suggestion of the recited invention, which includes providing one or more chosen functions from a messaging system in a database program and utilizing the one or more chosen functions from the database program within structured query language statements to access the messaging system from the database program.
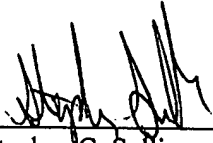
For the foregoing reasons, along with those reasons presented in the Appeal Brief, Appellant further respectfully reiterates the request that the Board reverse the rejection of all the appealed claims and find each of these claims allowable.

This Reply Brief is being submitted in triplicate, and the Commissioner is authorized to charge any fees associated with this communication to Deposit Account No. 09-0460 (IBM Corporation).

Respectfully submitted,

SAWYER LAW GROUP LLP

December 29, 2004
Date

Stephen G. Sullivan
Attorney for Applicant(s)
Reg. No. 38,329
(650) 493-4540

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,088	12/05/2000	Charles D. Wolfson	STL9-2000-0066US1/1804P	9367

7590   10/29/2004

Joseph A. Sawyer, Jr.
Sawyer Law Group LLP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER
RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 10/29/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/731,088
Filing Date: December 05, 2000
Appellant(s): WOLFSON, CHARLES D.

EMAILED

OCT 2 9 2004

Technology Center 2100

Stephen G. Sullivan
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 11, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or

be directly affected by or have a bearing on the decision in the pending appeal is contained in the

brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant holds that the claims stand or fall together. Examiner agrees with this assertion

and finds the brief is directed to argument for only one grouping. Claim 1 is the representative

claim of the group.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

U.S. Patent 6,058,389 to Chandra et al.; Published May 2, 2000; Filed October 31, 1997.

(10)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Chandra et al.

(U.S. Patent 6,058,389).

Claim 1:   Chandra et al. sets forth a database system (overall system of FIG. 3)

containing message queues (324 and 200). Multiple chosen functions are provided, such as

ENQUEUE (adding a message) and DEQUEUE (removing a message) in order to control the

messages in the message queues (See col. 12, lines 62-68; col. 13, lines 1-67; and col. 16, lines

18-30). The ENQUEUE and DEQUEUE are functions that operate in the messaging system but

are also implemented in the database system. The chosen functions are utilized and implemented

within SQL statements (col. 11, lines 45-49; col. 24, Table 3).

Claim 2:   The chosen functions ENQUEUE and DEQUEUE can be added to a database

system by creating SQL statements called ENQUEUE and DEQUEUE and parameterizng these

statements with the parameters shown in Table 1 (col. 13, lines 1-9) and Table 2 (col. 16, lines

25-32). The ENQUEUE and DEQUEUE functions are thus user defined functions.

Claim 3: The user defined function ENQUEUE functions to place the message on a

queue (col. 12, lines 60-67). The user defined function DEQUEUE functions to non-

destructively retrieve one or all of the message from the queue (col. 16, lines 18-30). The ENQUEUE functions also involves the function of reading the message (FIG. 9A, steps 900-903).

Claim 4: The user defined function ENQUEUE function specifies a service endpoint (Queue Name, described at col. 13, line 5).

Claim 5: The user defined function ENQUEUE specifies a destination (Queue Name described at col. 13, line 5) and delivery policies (Enqueue Options described at col. 13, line 6).

Claim 6: The messaging system may be a publish/subscribe based messaging system (col. 35, lines 39-48).

Claim 7: See remarks for claim 1. Note that the message program means are the messages queues shown in FIG. 2 and the database program means is the database system of FIG. 3.

Claim 8: See remarks for claim 2.

Claim 9: See remarks for claim 3.

Claim 10: See remarks for claim 4.

Claim 11: See remarks for claim 5.

Claim 12: See remarks for claim 6.

Claim 13: See remarks for claim 1.

Claim 14: See remarks for claim 2.

Claim 15: See remarks for claim 3.

Claim 16: See remarks for claim 4.

Claim 17: See remarks for claim 5.

Claim 18: See remarks for claim 6.

(11)   Response to Argument

Part A of appellant's brief is a replication of selected examiner arguments presented

during prosecution. No specific arguments from appellant are presented in this section.

Part B of appellant's brief is an extremely brief summarization of certain features from

the Chandra reference (Chandra et al.). No specific arguments are presented.

Part C contains the main focus of appellant's arguments. Appellant first argues that

"Appellant fails to see how a logical data structure of a queue table stored in a database file could

be interpreted to teach or suggest a system/program means having functionality that can be

provided in/utilized in another system" (page 7, second to last line through page 8, lines 1-2 of

appellant's brief).

The Examiner is not asserting that the message queue tables are the functionality or

"chosen functions" set forth in claim 1. Rather, examiner is asserting that the functions of

ENQUEUE (adding a message) and DEQUEUE (removing a message) are the functionalities

that correspond to the chosen functions in claim 1. These functions are considered to be "from

the messaging system" by reason that they are functions used in the messaging system. These

functions operate within an overall database system (the overall system of FIG. 3). Examiner

maintains that the limitations of claim 1 are met. In addition, examiner believes that the intended

meaning of the claim language "from a messaging system", based on applicant's specification is

exactly met by the functionalities of ENQUEUE and DEQUEUE taught by Chandra et al. In

appellant's specification, the chosen functionalities are functions used in a messaging system.

These are exactly the functionalities implied by the terms ENQUEUE and DEQUEUE. There

simply does not appear to be any distinction between the chosen functions and the functionalities

of ENQUEUE and DEQUEUE.

Appellant argues that the ENQUEUE and DEQUEUE are not provided by the messaging

system, but are instead provided by programming languages, namely the C programming

language and SQL, or Structured Query Language (page 8, second paragraph of appellant's

brief). It is true that the ENQUEUE and DEQUEUE commands are in fact supported by an

underlying programming language. However, this does not prevent the functions from being

used in a message system or from a messaging system. Programming functions are inherently

supported by programming languages.

Appellant argues that the chosen functions ENQUEUE and DEQUEUE and not utilized

in SQL statements. Appellant argues that ENQUEUE and DEQUEUE are in fact SQL statements

themselves, and thus would not be used in SQL statements (page 8, second and third paragraphs

of appellant's brief). These arguments are not correct. The functions ENQUEUE and DEQUEUE

are commands that are used in larger SQL statements (col. 11, lines 45-49). ENQUEUE and

DEQUEUE are merely the requesting portion of the SQL statement, and are used in a larger

overall SQL statement, such as that illustrated in Table 3 (col. 24).

Appellant argues that the claim language of claim 1 call for the chosen function to be

used "within" SQL statements, not "with" SQL statements (page 8, third paragraph of

appellant's brief). Examiner maintains that the ENQUEUE and DEQUEUE are used "within"

SQL statements. Consider for example Table 3 at column 24 of Chandra et al. The Table is an

example of one SQL statement. The chosen functions ENQUEUE and DEQUEUE and clearly

within the overall statement.

Appellant argues that Chandra et al. fails to disclose a "separately installed messaging system" (page 9, first paragraph, last three lines in appellant's brief). No such feature is recited in claim 1, which is the claim for consideration with the single claim grouping designated by appellant. Furthermore, no such feature appears in independent claims 7 or 13. The closest claim which appears to address this feature is claim 7, which only calls for a messaging system to be "installed". Clearly, in Chandra et al. (FIGS. 2-3), such a messaging system is installed.

Appellant argues that Chandra et al. does not teach the accessing of a message system from a database system (page 9, second paragraph of appellant's brief). This argument is incorrect. As seen in FIG. 3, the clients (301) and (302) are the parties that access the message system. The message system (message queue tables 324) are accessed via the database server, which is part of the database system. In Chandra et al., the message system is accessed by accessing the database system. This is clearly shown in FIG. 3 of Chandra et al.

Appellant argues that examiner has not given consideration to the term "from" as it is used in the phrase "from a messaging system" as defined in claim 1 (page 9, last line to page 10 first line of appellant's brief) Examiner has given consideration and weight to this term. In particular, examiner concludes that the term "from a message system" means that functions operate on a message system or are used in a message system. This is hardly a "gross misinterpretation" (page 10, line 2 of appellant's brief) of the claim language presented, but rather a reasonable interpretation based on a literal reading of the method steps and elements presented.

Appellant presents further arguments regarding claims 3, 9 and 15 (page 10, second paragraph of appellant's arguments). Appellant argues that Chandra et al. lacks a separate messaging system accessed by a database system. However, none of the independent claims call for a "separate" messaging system. In addition, Chandra et al. clearly teaches a messaging system (324 in FIG. 3) and distinct database system (FIG. 3) which gains access to the messaging system. I

For the above reasons, it is believed that the rejections should be sustained.
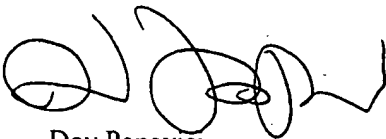
Respectfully submitted,

Sam Rimell
Primary Examiner
Art Unit 2165

***

October 28, 2004

Conferees

Safet Metjahic

Dov Popovici

Joseph A. Sawyer, Jr.
Sawyer Law Group LLP
P.O. Box 51418
Palo Alto, CA 94303